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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,816	02/07/2002	Gilles Fabre	PALM-3740	2834

7590

02/23/2004

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EXAMINER

NGUYEN, JIMMY H

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 02/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,816

Applicant(s)

FABRE ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is made in response to applicant's papers filed on 02/07/2002. Claims 1-24 are currently pending in the application. An action follows below:

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-16 which simultaneously claim **both statutory classes** (an apparatus and a method) are found to be ambiguous under 35 U.S.C. 112, 2d, see In Ex Parte Lyell 17 USPQ2d 1548 (Bd. PA&I. 1990). See independent claim 8.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 6, 22 and 23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding to claims above, the disclosure, when filed, does not contain sufficient information regarding to the claimed features, "the power of the zoom out view is user controlled", as recited in claims 6 and 22, and "the power of the magnification area is user controlled", as recited in claim 23. The disclosure, page 11, line 19 through page 12, line 3, discloses that a user can control the magnification power of the magnifying area bt selecting some degrees of magnification. However, the disclosure does not contain such description and

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details how the user can select, e.g., by manipulating a mechanical element, by touching a virtual key on the touchscreen, or etc., so as to enable one skilled in the pertinent art to make and use the claimed invention.

6. It is noted Applicant that due to the rejection under 35 USC 112 above, the following art rejection to claims 6, 22 and 23 is based as best understood by the examiner.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Heikkinen et al. (USPN: 6,073,036), hereinafter Heikkinen.

As per claims 1, 8 and 15-17, the claimed invention reads on Heikkinen as follows:

Heikkinen discloses a touchscreen equipped computer device (a mobile station 10, a cellular phone, a personal communicator or a PDA, fig. 1A, col. 3, lines 42-45, col. 10, lines 39-44), an associate method and a computer readable media, the device comprising a touchscreen (a touch sensitive display 20, fig. 1A, col. 4, lines 53-58) for displaying a plurality of items (icons, functions and etc., fig. 3, col. 5, lines 32-35), and a computer system (see fig. 1A) having a processor (a controller 18, col. 3, line 56) coupled to a memory (24) (col. 4, lines 19-32 and lines 52). As noting in fig. 3 and col. 5, line 48 through col. 6, line 5, Heikkinen teaches steps (a)-(d)

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of claims 1, 8 and 17. Further, see fig. 4B and the corresponding description. Accordingly, the elements and steps in the claims are read in the reference.

Regarding to claims 2, 10, 11 and 18, as noting at col. 6, lines 53-57 and col. 7, lines 4-14, Heikkinen further teaches the movement commands for controlling the location of the magnification area with respect to the display screen (20) comprising a user dragging a navigation pointer (a user fingertip) across the display screen.

Regarding to claims 3, 9 and 19, as noting in fig. 4B, specifically the route from step 412a to step 416 and then back to step 400, and the operation described at col. 7, lines 50-67, Heikkinen further teaches the when the user lifts the finger (i.e., the user stops controlling the location of the location of the magnification area), the display automatically returns to the unmagnified format (i.e., exiting the magnification display mode).

Regarding to claims 4, 12 and 20, as noting at col. 5, lines 2-4, Heikkinen further teaches the navigation pointer is a stylus.

Regarding to claims 5, 6, 13 and 21-23, as noting in fig. 3 and the operations at col. 2, line 61 through col. 3, line 6, and at col. 6, lines 6-16, Heikkinen further teaches that the power of the zoom out view or the magnification area is controlled by the user.

Regarding to claims 7, 14 and 24, as noting in fig. 3 and at col. 7, lines 4-7, Heikkinen further teaches scrolling a display area of the touchscreen until the desired character to be input is reached (i.e., this implies the magnification area reaching an edge of the touchscreen).

9. Claims 1-5, 7-21 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Choi et al. (USPN: 6,211,856 B1), hereinafter Choi.

As per claims 1, 8 and 15-17, the claimed invention reads on Heikkinen as follows: Choi discloses a touchscreen equipped computer device (an electronic device such as a PDA 10 as shown in figs. 1A-1C or a remote control device 20 as shown in figs. 2A-2B), an associate method and a computer readable media, the device (20) (see figs. 2A and 2B) comprising a touchscreen (22) (col. 3, line 25) for displaying a plurality of items (icons 23-25, fig. 2A), and a computer system (see fig. 1A) having a processor (a controller, col. 2, lines 15-18) coupled to an inherent memory, which is used to store an operating system to cause the GUI to be displayed on the screen. As noting in figs. 2A and 2B, and the description at col. 3, lines 24-36, Choi teaches steps (a)-(d) of claims 1, 8 and 17. Accordingly, the elements and steps in the claims are read in the reference.

Regarding to claims 2, 10, 11 and 18, as noting in fig. 2B and at col. 3, lines 29-34, Choi further teaches the movement commands for controlling the location of the magnification area with respect to the display screen comprising a user dragging a navigation pointer (a user's finger or stylus, col. 1, lines 57-62) across the display screen.

Regarding to claims 3, 9 and 19, as noting at col. 2, line 66 through col. 3, line 1, Choi further teaches upon releasing the "G" key (i.e., the user stops controlling the location of the location of the magnification area), the display automatically returns to the original icon (i.e., exiting the magnification display mode).

Regarding to claims 4, 12 and 20, as noting at col. 1, lines 57-62, Choi further teaches the navigation pointer is a stylus.

Regarding to claims 5, 13 and 21, as noting in figs. 2A and 2B, Choi implicitly teaches all the steps of these claims.

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Regarding to claims 7, 14 and 24, as noting in fig. 2B and at col. 3, lines 29-34, Choi further teaches scrolling a display area of the touchscreen when the magnification area reaches an edge of the touchscreen.

10. Claims 1, 2, 5-8, 10, 11, 13-18 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Ee (USPN: 6,466,203 B2).

As per claims 1, 8 and 15-17, the claimed invention reads on Van Ee as follows: Van Ee discloses a touchscreen equipped computer device (handheld device such as PDA, mobil phone, palmtop and etc., col. 1, lines 11-14), an associate method and a computer readable media, the device (100) (fig. 1) comprising a touchscreen (104) for displaying a plurality of items (icons, col. 2, lines 2-6), and a computer system (see fig. 1) having a processor (108) coupled to a memory (RAM 106 and ROM 110, fig. 1). As noting at col. 2, lines 2-8, lines 41-50 and col. 4, lines 56-65, Van Ee teaches steps (a)-(d) of claims 1, 8 and 17. Accordingly, the elements and steps in the claims are read in the reference.

Regarding to claims 2, 10, 11 and 18, as noting at col. 4, lines 56-65, Van Ee further teaches the movement commands for controlling the location of the magnification area with respect to the display screen comprising a user dragging a navigation pointer (by virtue of a user touch on the touchscreen) across the display screen.

Regarding to claims 5, 6, 13 and 21-23, as noting at col. 2, lines 41-50 and lines 61-62, Van Ee further teaches that the power of the zoom out view or the magnification area is controlled by the user.

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Regarding to claims 7, 14 and 24, as noting at col. 4, lines 41-46 and lines 56-65, Van Ee further teaches scrolling a display area of the touchscreen when the magnification area reaches an edge of the touchscreen.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JHN
February 19, 2004


Jimmy H. Nguyen
Examiner
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